

RE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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IN THE MATTER OF:)	Docket No. CAA-5-99-031
))
Bison Plating, Inc.)	Proceeding to Assess an
Adell, Wisconsin,)	Administrative Penalty
)	under Section 113(d) of the
)	Clean Air Act,
Respondent.)	42 U.S.C. § 7413(d)
))

Consent Agreement and Final Order

1. Complainant, the Director of the Air and Radiation Division, United States Environmental Protection Agency, Region 5 (EPA), brought this administrative action seeking a civil penalty under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d).

2. On August 26, 1999, EPA filed the complaint in this action against Respondent Bison Plating, Inc. (Bison). The complaint alleges that Bison violated Section 112 of the Act, 42 U.S.C. § 7412, and 40 C.F.R. §§ 63.342(f)(3)(i), 63.7(a)(2)(iii), 63.343(c)(5), 63.346(b)(2)-(11) and 63.347(c) at its facility in Adell, Wisconsin.

3. Bison filed an answer and requested a hearing under Section 113(d)(2) of the Act, 42 U.S.C. § 7413(d)(2).

Stipulations

4. Bison admits the jurisdictional allegations in the complaint and neither admits nor denies the factual allegations in the complaint.

5. Bison waives its right to contest the allegations in the complaint, and waives its right to appeal under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

6. Bison certifies that it is complying fully with the chrome plating regulations at 40 C.F.R. Part 63, Subpart N.

7. The parties consent to the terms of this consent agreement and final order (CAFO).

8. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

Civil Penalty

9. In consideration of Bison's immediate efforts to achieve compliance, cooperation during negotiations and ability to pay a penalty, EPA agrees to mitigate the proposed penalty of \$1,300 to \$700.

10. Bison must pay the \$700 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America," in two installments. The first installment will be due within 30 days after the effective date of this CAFO. The second

installment will be due within 60 days after the effective date of the CAFO.

11. Bison must send the check to:

U.S. Environmental Protection Agency
Region 5
P.O. Box 70753
Chicago, Illinois 60673

12. A transmittal letter, stating Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must write the case docket number and the billing document number on the face of the check. Respondent must send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (R-19J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Attn: Compliance Tracker, (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Thor W. Ketzback, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3509

13. This civil penalty is not deductible for federal tax purposes.

14. If Bison does not pay timely the civil penalty, EPA may bring an action to collect any unpaid portion of the penalty with

interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

15. Interest will accrue on any overdue amount from the date payment was due at a rate established under 26 U.S.C. § 6621(a)(2). Bison will pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Bison will pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

General Provisions

16. This CAFO settles EPA's claims for civil penalties for the violations alleged in the complaint.

17. Nothing in this CAFO restricts EPA's authority to seek Bison's compliance with the Act and other applicable laws and regulations.

18. This CAFO does not affect Bison's responsibility to comply with the Act and other applicable federal, state and local laws, and regulations.

19. This CAFO constitutes an "enforcement response" as that term is used in "U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy" to determine Bison's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

20. The terms of this CAFO bind Bison, and its successors, and assigns.

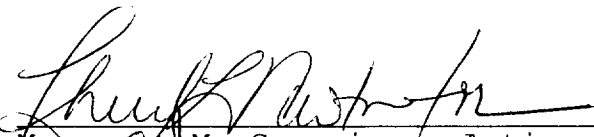
21. Each person signing this consent agreement certifies that he or she has the authority to sign this consent agreement for the party whom he or she represents and to bind that party to its terms.

22. Each party agrees to bear its own costs and fees in this action.

23. This CAFO constitutes the entire agreement between the parties.


**U.S. Environmental Protection
Agency, Complainant**

Date: 12/29/99

By: 
Margaret M. Guerriero, Acting Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5 (A-18J)

Bison Plating, Inc., Respondent

Date: _____

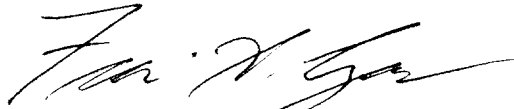
By: 
Frank Ramaker, President
Bison Plating, Inc.

CONSENT AGREEMENT AND FINAL ORDER
Bison Plating, Inc.
Docket No.

Final Order

It is ordered as agreed to by the parties and as stated in the consent agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk.

Date: 12/29/99



Francis X. Lyons
Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

CERTIFICATE OF SERVICE

I,Shanee Rucker, certify that I hand delivered the original of the Consent Agreement and Final Order, docket number CAA-5-99-031 to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Frank Ramaker by placing them in the custody of the United States Postal Service addressed as follows:

on the 30 day of December, 1999.

Shanee Rucker

Shanee Rucker
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER:

2199026471

DEC
PRO

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REC